

40A. COMMERCIAL/INDUSTRIAL BUILDING AND STRUCTURE MAINTENANCE

40A.01. Legislative Findings and Definitions. The Common Council finds that it is in the best interest of the City to protect the public health, safety, and general welfare of its citizens. To this end, the City believes that, by the adoption of these commercial/industrial building and structure maintenance regulations, it will further the following objectives:

- A. To preserve the value of commercial and industrial buildings and structures within the City;
- B. To protect the character and stability of commercial and industrial areas of the City;
- C. To provide for minimum standards of maintenance for commercial/industrial buildings and structures within the City and ensure compliance;
- D. Provide a mechanism to place conditions upon commercial/industrial buildings and structures which do not comply with the standards of maintenance established herein;
- E. Assist in identification and correction of dangerous or life threatening conditions that may be identified within the City; and
- F. Provide a mechanism to mitigate potential public health issues identified within the City.

40A.02. Definitions. Subdivision 1. The term "Accessory Structure" means a building, structure, or use located or conducted upon the same lot (or on a contiguous lot in the same ownership) as the principal building, structure, or use to which it is related, which is (a) clearly incidental to and customarily found in connection with such principal building or use; and (b) is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot.

Subd. 2. The term "Building" means any structure containing commercial or industrial uses having a roof supported by columns or walls intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be deemed a separate building.

Subd. 3. The term "Structure" means a combination of materials to form construction for use, occupancy, or ornamentation, whether installed on,

above, or below the surface of land or water containing commercial or industrial uses.

40A.03. Building and Structure Appearance and Safety Requirements.

Subdivision 1. A Building or Structure is a public nuisance if its exterior does not comply with the following requirements:

- A. A Building or Structure's exterior surface shall be maintained in a reasonably clean, neat, safe, and sanitary condition.
- B. No part of a Building or Structure's exterior surface shall have significant deterioration including, but not limited to, holes, breaks, gaps, or loose or rotting materials. All exterior surfaces of the structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a reasonably clean and neat condition. Exterior wood surfaces on the structures, other than decay resistant woods, stucco, or other materials that do not normally require protection from the elements shall be protected from the elements and decay by staining, painting, or other protective covering or treatment. With regard to broken windows, repair shall require replacement of all broken glass, or in the alternative, returning to the pre-break condition through other remedial measures including, but not limited to, repairing the window pane, installing a pocket window, and a full frame repair including blending of siding to match the surrounding siding.
- C. All architectural elements including, but not limited to, cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

40A.04. Maintenance Requirements for Vacant Buildings. Subdivision

1. A vacant Building or Structure must comply with the following requirements:

- A. Maintenance:
 - (1) Any vacant Building or Structure that is found to be dangerous to public safety or health by reason of the following is hereby declared to be a public nuisance and a hazardous structure or condition:
 - (a) Damaged by fire, storm, or vandalism;
 - (b) Dilapidated condition or decay; or
 - (c) Any other defect endangering the public safety or health.

- (2) Any vacant Structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, presents environmental health risks or which lacks provisions for safe illumination, ventilation, or sanitary facilities to the extent that the defects create a significant hazard to the public's health, safety, or welfare may be declared by the City to be unfit for human habitation or unsafe to the public.
 - (3) Whenever any vacant Building has been declared unfit for human habitation or unsafe to the public, the City may proceed to declare the building a hazardous building or hazardous property, and may seek to correct or remove the hazardous condition as authorized by Minnesota law.
- B. Security Measures. A vacant Building violating subdivision 1(A) shall be secured in accordance with Minnesota Statutes Section 463.251.
 - (1) Windows and doors shall be covered to prevent entry within a frame.
 - (2) Any part of the Building, such as walls or roof, that is damaged in such a way as to allow possible entry shall be repaired with materials that match the materials used for that part elsewhere on the building.

40A.05. Accessory Structures. Subdivision 1. Every Accessory Structure must be maintained in accordance with the following requirements:

- A. Building Materials Condition: The exterior of the Accessory Structure, including but not limited to, fences and walls shall be maintained in a reasonably clean and neat condition, in a structurally sound condition, and in good repair.
- B. Architectural Elements: All architectural elements accessory to the principal building shall be maintained in a structurally sound condition and in good repair (as similarly required of the principal building). Architectural elements include, but are not limited to, cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features.
- C. Signage: All signs shall be maintained in a reasonably clean and neat condition, and good structural condition, at all times.

40A.06. Abatement and Enforcement Procedure. The Building Safety Department is responsible for the enforcement of this chapter. Any violation of this chapter shall be abated and enforced using the procedure found at section 40.08.

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